REMARKS

Claims 1-10, 19-54 and 65 are pending in the application and stand rejected. No claims have been amended in this paper. The listing of claims is provided solely for the convenience of the Examiner. In view of the following remarks, Applicant respectfully submits that all pending claims stand in condition for allowance.

Rejection of claims 1-10 under 35 U.S.C. § 112, First and Second Paragraphs

Claims 1-10 stand rejected as containing newly added subject matter. The Examiner's rejection is respectfully traversed.

For example, referring, *e.g.*, to FIGURE 3 and paragraph 24 of the application, an illustrative routine for the operation of telematic control unit 26 utilizing main system 22 to send and retrieve information relating to monetary transactions and radio broadcast content via the Internet is described. First, at block 60, the telematic control unit 26 receives the radio broadcast signal. Typically, the radio broadcast signal originates from a radio tower in analog form and is transmitted to a radio receiver in vehicle 24. At block 62, information related to the radio broadcast is determined. In this step, the main system determines the radio broadcast channel information associated with the vehicle. This may be accomplished by sending radio broadcast channel information from the telematic control unit to the main system. The main system uses radio broadcast channel information to determine what information is related to the radio broadcast of interest to the vehicle user. At block 64, the main system 22 sends information content related to the radio broadcast to telematic control unit 26 via gateway 14. The information content is a function of what the radio station is broadcasting and the businesses that are participating in the system. Next, at block 66, if the user makes a selection pertaining to any of the information content presented by telematic control unit 26, the telematic control unit sends information related to the user's selection as well as vehicle information to main system 22 via a wireless communication link.

As such, the specification clearly discloses that the broadcast occurs before the motorist or passenger (user) provides a selected request. In fact, as described above, the user cannot make

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CUSTOMER NUMBER

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the request without having first received the broadcast. Moreover, a close reading of both the claims and specification reveals that the claimed "broadcast" and "content" are two entirely different limitations, such that there is no contradiction in the limitations as is alleged by the Examiner. Accordingly, the Examiner is respectfully requested to withdraw these rejections.

Rejection of claims 1-7, 9-10, 19-23, 25-34, 36-40, 42-51, 53-54 and 65 under 35 U.S.C. § 103(a) as being unpatentable over Crosby in view of Jackson

Claim 1

Claim 1 recites receiving a radio broadcast at a vehicle, wirelessly transmitting content from a server to the vehicle via a data network based on radio broadcast information associated with the received radio broadcast, automatically presenting the content over a user interface at the vehicle, and, after receiving the radio broadcast and transmitting the content, recording at least one request made by a user based on the presented content, wherein the recording of the request is not required to receive the broadcast.

Neither Crosby nor Jackson teaches or suggests wirelessly transmitting content associated with the vehicle information from a server to the vehicle via a data network based on radio broadcast information associated with the received radio broadcast. As discussed above, Jackson teaches supplying to the user's automobile a song file upon request of a user. However, this song file cannot reasonably regarded as, and Jackson fails to teach that the song file is, content either associated with vehicle information or based on radio broadcast information. In fact, a careful reading of Jackson reveals that the Jackson reference fails to even mention the term "broadcast," and the only mention therein of the term "radio" is in connection with standard vehicle equipment with which a cellular device used to implement the Jackson system may be associated. As such, there is simply no reasonable basis on which to consider the song file of Jackson as being associated with vehicle information and based on radio broadcast information associated with a received radio broadcast as is required by the limitations of claim 1.

Likewise, Crosby fails to teach providing any content to a vehicle, other than a radio broadcast, much less content associated with vehicle information and based on radio broadcast

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information associated with the received radio broadcast. Crosby merely teaches the ability of the vehicle user to indicate to a server a portion of the broadcast of interest to the user.

Additionally, as acknowledged by the Examiner, Crosby fails to teach or suggest recording, after transmitting the content, any requests made by the user based on the presented content. The Examiner cites Jackson as providing the teachings omitted in Crosby. The Applicant respectfully traverses this contention.

Jackson, at, *e.g.*, FIGS. 1-3 and col. 3, line 54 to col. 4, line 13, teaches that a user would have a portable digital cellular device 34 installed in their automobile and coupled to their automobile radio or stereo system. A user would view a liquid crystal display window 46 and make a musical selection by speaking the title of the song desired. Voice recognition selection circuit 48 would then signal the microwave cellular transmitter/receiver 36 to transmit a signal to the microwave cellular tower 12 indicating the desired song. The microwave cellular transmitter/receiver 22 of microwave cellular tower 12 would receive the signal and send it to the selection processor 24. The selection processor 24 would bill a user's account and retrieve the desired musical selection via data bus lines 26 and control bus lines 28 from storage unit 30. The selection processor would then transmit the retrieved musical selection to microwave cellular transmitter/receiver 22 for transmission (what the Examiner apparently analogizes to a radio broadcast) to the portable digital cellular device 34. The portable digital cellular device 34 would receive the transmission through its microwave cellular transmitter/receiver 36. The signal would then be processed by selection processor 38 that would store the song on solid state memory chips 44. The user could then play the song immediately or leave it in solid state memory chips 44 for playback later. Thus, in the Jackson reference, the recording of a request is a pre-condition of receiving the song.

As such, and as asserted by Applicants in an earlier paper, because a) the teachings of Jackson require the user to make a request before receiving the song/broadcast, and b) Crosby expressly requires that user feedback/request is received only after broadcast content has already been received (*see, e.g.*, Abstract of Crosby), the combination of the teachings of Jackson with that of Crosby would render both the Jackson and Crosby systems non-functional.

While the Examiner correctly states that the test for obviousness is what the combined teachings of the references would have suggested to those of ordinary skill in the art, if the

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proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified (as is also clearly the result of combining the Jackson and Crosby references), then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *See, e.g., In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959); MPEP §2143.01(VI).

Accordingly, the Applicant's attorney respectfully submits that it cannot be reasonably argued that the Applicant's invention as recited in claim 1 is obvious in view of these references.

Claims 19, 27, 37, 44, 47-49 and 65

Claims 19, 27, 37, 44, 47-49 and 65 are patentable for at least reasons similar to those discussed above with reference to claim 1.

Claims 2-7, 9-10, 20-23, 25-26, 28-34, 36, 38-40, 42-43, 45-46, 50-51 and 53-54

Claims 2-7, 9-10, 20-23, 25-26, 28-34, 36, 38-40, 42-43, 45-46, 50-51 and 53-54 are patentable by virtue of their respective dependencies from claims 1, 19, 27, 37, 44 and 49.

Rejection of Claims 8, 24, 35, 41 and 52 Under 35 U.S.C. 103(a) as being unpatentable over Crosby, Jackson and Treyz

Treyz fails to supply the teachings missing from Crosby and Jackson, namely receiving a radio broadcast at a vehicle, wirelessly transmitting content from a server to the vehicle via a data network based on radio broadcast information associated with the received radio broadcast, automatically presenting the content over a user interface at the vehicle, and, after receiving the radio broadcast and transmitting the content, recording at least one request made by a user based on the presented content. As such, Crosby, Jackson and Treyz, taken either each alone or in combination, fail to teach the limitations of claims 1, 19, 27, 37 and 49. Accordingly, claims 8, 24, 35, 41 and 52 are patentable by virtue of their respective dependencies from claims 1, 19, 27, 37 and 49.

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CONCLUSION

In view of the above amendments and remarks, Applicant requests entry of the amendments and a finding of allowability for all pending claims. If the Examiner has any questions, or desires that an interview be conducted, the Examiner may contact the Applicants' attorney below. **If the Examiner disagrees with the Applicants' position as stated herein, the Examiner is respectfully requested to contact the undersigned to arrange a telephonic discussion of the application prior to issuing an Office Action rejecting any of the claims in view of the references discussed herein.**

Respectfully submitted,

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